

**FILED**

**NOV 12 2024**

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New York City, NY, 10001

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA  
SAN JOSE OFFICE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: SUBPEONA TO GOOGLE LLC

Case No.: 24-mc-80152-EJD

John Doe,

Movant,

MOTION TO QUASH

vs.

HO CHAN KIM,

Respondent.

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA:

COMES NOW, Fisherman, an anonymous user of Google services (hereinafter "Movant"), by and  
through undersigned counsel, and respectfully files this Motion to Quash the Subpoena issued by plaintiff HO  
CHAN KIM to Google LLC, which seeks to obtain Movant's identity. Movant requests this Court quash the  
subpoena for the following reasons:

### I. INTRODUCTION

Movant is a private individual that is a U.S. resident currently living in the U.S. who maintains an anonymous  
account with Google LLC. The subpoena issued by Plaintiff seeks to compel Google to disclose Movant's  
identifying information, allegedly to support Plaintiff's claims in the underlying lawsuit in a foreign tribunal.  
Movant files this Motion to Quash on the basis that compelling Google to release such information would:

1. Violate Movant's First Amendment right to anonymous free speech, as the statements made by Movant  
constitute protected speech under the U.S. Constitution.
2. Be based on false and misleading statements by that claim the video named someone who worked in  
Mongolia.
3. Expose Movant or Movant's family in the Republic of Korea to potential retaliation, harassment, and harm  
if their identity is disclosed.

MOTION TO QUASH - 1

1 Movant respectfully requests that this Court recognize the significant chilling effect and harm that would result from  
2 disclosure and quash the subpoena in the interests of justice.

## 3 4 **II. STATEMENT OF FACTS**

- 5 • Movant is a legal U.S. resident who has operated under a pseudonym on Google's platform, engaging in  
6 expressive activities that are lawful and protected by the First Amendment.
- 7 • The statements made by Movant fall squarely within the realm of protected speech.
- 8 • Plaintiff intentionally added false information to embellish their claim.
- 9 • Plaintiff's organization claims to have active missions in 82 nations, including 24 already in the United  
10 States, making this an international concern.
- 11 • Movant's channel includes English translations to bring awareness to an international audience.
- 12 • Movant has reasonable grounds to fear that revealing their identity could subject them to retaliation,  
13 harassment, or harm by individuals opposed to their viewpoints.

## 14 15 **III. LEGAL STANDARD**

16 Under Federal Rule of Civil Procedure 45(d)(3), a court must quash or modify a subpoena that subjects a person to  
17 undue burden, requires disclosure of privileged or other protected matter, or subjects a person to significant expense.  
18 The First Amendment to the United States Constitution protects anonymous speech, particularly in contexts where  
19 revealing one's identity may lead to retaliation or suppression of free expression. 28 U.S.C. § 1782 gives a district  
20 court discretion to grant or deny an application after considering several factors, including the nature of the foreign  
21 tribunal, the character of the proceedings, and whether the applicant's request conceals an attempt to circumvent  
22 foreign proof-gathering restrictions.

## 23 24 **IV. ARGUMENTS IN SUPPORT OF MOTION TO QUASH**

### 25 **A. The First Amendment Protects Anonymous Speech of U.S. Residents**

26 Movant is a lawful U.S. resident with full protection the U.S. Constitution. The First Amendment provides  
27 substantial protection to anonymous speakers, as anonymity can be essential to protect individuals from retaliation  
28

1 or intimidation based on their expressed views. Courts have held that the right to remain anonymous is a vital  
2 component of the freedom of speech and must be safeguarded. Disclosing the identity of a U.S. resident using a U.S.  
3 platform to a foreign tribunal would have a chilling effect on free speech in the U.S.

4  
5 **B. Disclosure of Movant's Identity Would Expose Movant to Potential Retaliation**

6 Movant has substantial reason to fear that disclosure of their identity would expose them to personal and  
7 professional harm. Movant is deeply concerned about the nature and history of Life Word Mission, the organization  
8 associated with Plaintiff. Life Word Mission's founder, John Lee, was a key member of Salvation Sect. That  
9 organization is already known to the international community through Episode 4 of the Netflix documentary series  
10 In the Name of God: A Holy Betrayal. That episode details an incident in which 32 people from Five Oceans  
11 Trading Co. were found dead in the ceiling of a factory, and the episode shows how that incident was directly linked  
12 to Salvation Sect.

13 Another reason to expect violence from Life Word Mission is due to receiving many threatening comments that appear  
14 to come from Life Word Mission followers. **Exhibit A** shows an example of a comment directed at Movant which  
15 includes many insults and specifically threatens "Before I rip out your guts and make fish sauce out of them, shut  
16 your \*\*\*\*ing mouth and stay out of sight." Plaintiff has made no attempt to calm such discourse. While Movant has  
17 been critical of Life Word Mission, they have never directly or indirectly insinuated violent acts towards any  
18 individual involved in the organization.

19 Importantly, since Life Word Mission already has churches on U.S. soil, it would be easy for them to direct physical  
20 attacks on Movant if they learn Movant's identity. Proof of Life Word Mission being present in the U.S. can be seen  
21 on their website, which is shown in **Exhibit B**.

22  
23 **C. Fabricated and Intentionally Misleading Statement from the Plaintiff**

24 While Plaintiff correctly claims that the video did not directly mention anyone by name, they make a false and  
25 misleading statement by claiming it involves some situation in Mongolia. There is in no mention or suggestion of  
26 Mongolia in the video nor any timeline for a pastor returning to Korea from there.

27 Plaintiff uses this fabrication with no basis in the video to suggest there is a 50% chance that the video is actually in  
28 reference to them. In fact, Life Word Mission claims on their own website to have churches in 82 different

1 countries. A screenshot of this is shown in **Exhibit C**, which translates to “1113 churches in 82 different countries”.  
2 That would dissolve any link to Plaintiff as the video could be retelling events in any country, at any church, by any  
3 pastor, and at any time period. Since that would be so detrimental to their case, it is reasonable to assume that this  
4 was done with clear intent to mislead the Court, as it is a core part of Plaintiff’s argument.

#### 5 6 **D. Misunderstanding of Direct Causality**

7 Plaintiff seeks to blame the video for their emotional and/or financial hardships. They freely admit that the video  
8 does not name Plaintiff. Furthermore, the video directly states that names have been removed to protect all  
9 individuals involved. And, as previously mentioned, the country or time era where the alleged incident occurred was  
10 not stated.

11 Nevertheless, as proof that they were singled out, Plaintiff circles non-sequential letters from an anonymous  
12 commenters that spell out Plaintiff’s name. If it is true that commenters singled out the plaintiff, it is reasonable to  
13 assume that suspicions were already present in the community before the video was posted based on all the  
14 previously stated facts on the video’s non-specificity. In this case, the video would only serve as an artifact upon  
15 which the community debated upon. Therefore, the direct cause of Plaintiff’s grievances would have existed before  
16 the publishing of the video.

17 Many of the comments in the video reflect widespread concerns about the organization Plaintiff represents, and not  
18 an individual specifically. This public feedback highlights a broader consensus on the organization’s impact,  
19 indicating that the grievances extend beyond the content of Movant’s videos. Movant’s anonymous work aimed  
20 solely to raise awareness of these issues for public benefit, without any direct mention of individuals. This  
21 distinction is crucial, as it underscores that Movant did not promote or circulate any information specific to them,  
22 nor did Movant intend to single them out in any way.

#### 23 24 **E. Deception in Stating the Intended Audience of Videos**

25 Plaintiff would like the Court to believe that this is a purely Korean issue. However, Movant has created videos with  
26 English subtitles to bring global awareness to Life Word Mission’s activities. Furthermore, it was previously shown  
27 that the organization already operates in 82 countries, including the U.S.

1 **Exhibits D through G** show screenshots from videos that have been subtitled for a global audience. **Exhibits D, E,**  
2 **and F** are screenshots from a video that translates a sermon from Life Word Mission where a pastor demands  
3 members sign over their homes and property to the church. **Exhibit G** is a video translation of an ex-member's long  
4 narrative of their slow journey to discovering the church's finances. It is also trivial to use YouTube's built-in  
5 translation functionality to view high-quality translations of any video.

6 Because Word Life Mission is sprawling into the U.S., it is imperative that open dialogue exists to have critical  
7 discussions about the organization. Many U.S. citizens will have concerns because Word Life Mission is not  
8 transparent about its operations in its English-language publications, which involve a tier-based membership based  
9 on monetary contributions, with new "truths" revealed at each level. While U.S. citizens are free to join any  
10 organization they please, their friends and family deserve to know more about the source and ideologies of new  
11 religious groups.

## 12 13 **V. CONCLUSION**

14 For the foregoing reasons, Movant respectfully requests that this Court quash the subpoena issued to Google LLC,  
15 thereby protecting Movant's right to anonymous free speech and safeguarding against potential retaliation. Movant  
16 is an individual who should be protected under legal procedures, and Movant cannot agree to share information that  
17 jeopardizes their safety under any circumstances.

## 18 19 **VI. PRAYER**

20 Movant respectfully prays that the Court considers the points outlined above. Having been manipulated previously  
21 by this organization, Movant has sought to help others escape the distressing environment of that group. Movant is  
22 grateful for the platforms provided by Google and YouTube, which serve a vital public interest in this regard.

23 While Movant has made videos private due to the threats received, comments at the channel's About page can still  
24 be viewed and automatically translated. The comments on Movant's channel reflect the distress and devastation felt  
25 by many individuals affected by this situation. Movant kindly asks that the Court actively acknowledge and reflect  
26 this in the Court's decision.

27 Movant respectfully prays that the Court grant the following relief:

28 **MOTION TO QUASH - 5**

- That the Court quash the subpoena issued to Google LLC seeking Movant's personal identifying information;
- That the Court recognize Movant's right to remain anonymous under the First Amendment;
- That the Court grant any other relief that it deems just and proper.

Dated this 12th of November, 2024.

Respectfully submitted,

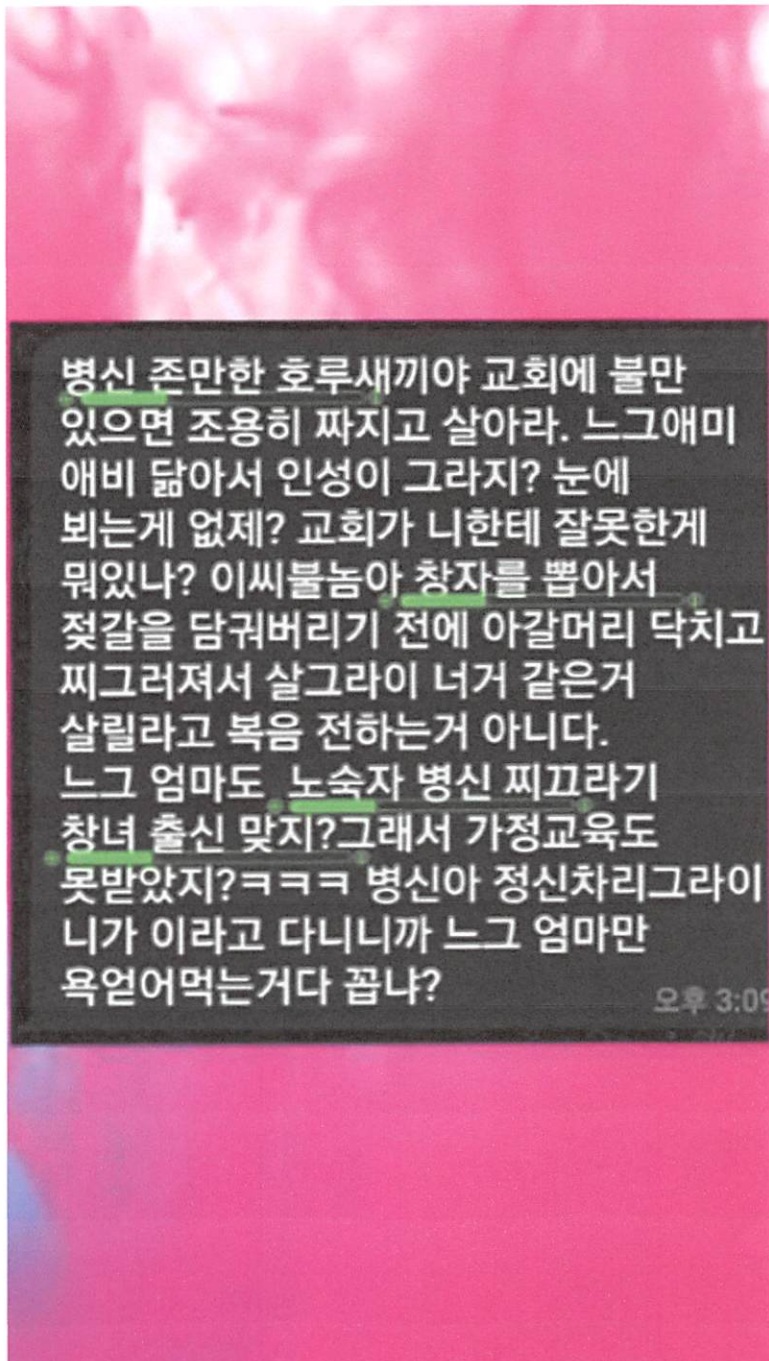


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John Doe

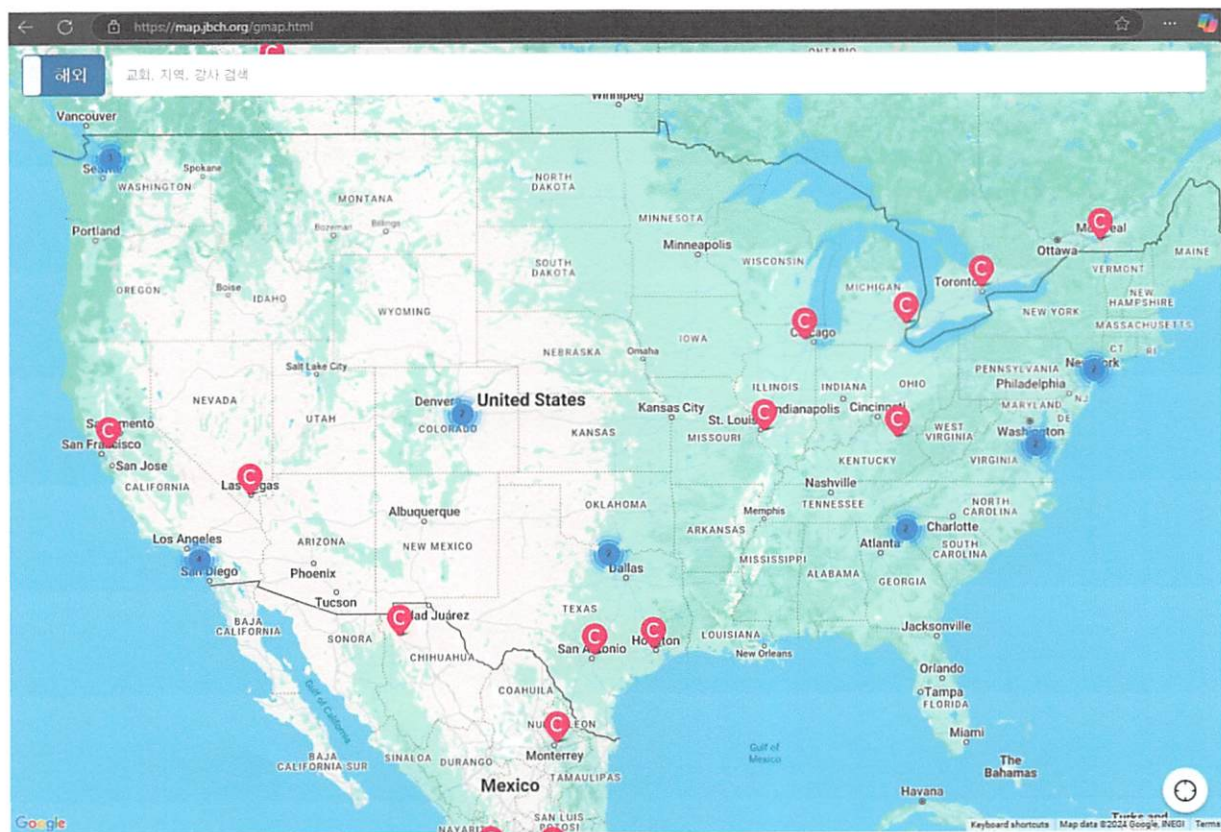
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## Exhibit A





## Exhibit B





## Exhibit C

생명의말씀선교회

신교회소개

세계선교현황

세계교회지도

신교회소개

선교회소개

우리의신조

선교회연혁

세계선교현황

세계교회지도

세계교회소식

<

세계선교현황

국가수 82 • 해외 1113 • 국내 230

남아메리카 국가 9 • 교회 101



베네수엘라  
7



볼리비아  
5



도미니카공화국  
2



멕시코  
56



브라질  
4



아르헨티나  
3



미국  
24



캐나다  
8

북아메리카 국가 7 • 교회 96

Exhibit D



Exhibit E



Exhibit F:

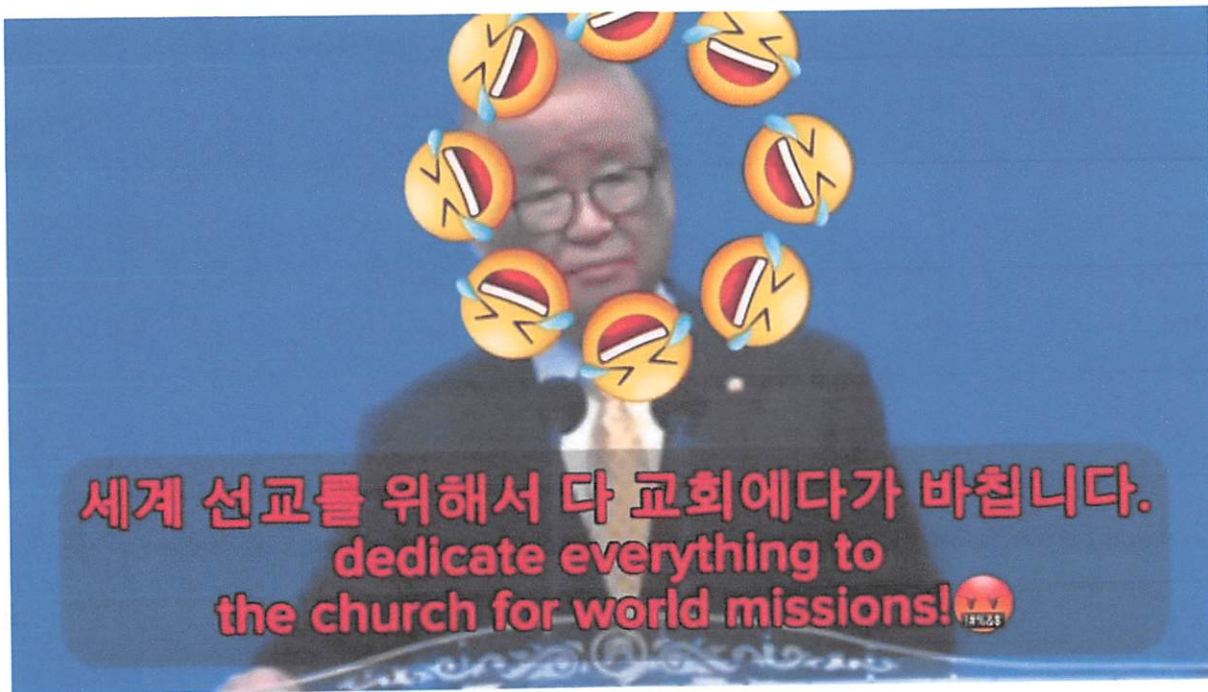


Exhibit G:

이것을 물어보고 궁금해 하는 사람들은 마치 그  
교회의 배신자나 복음과 구원에 대해서 의심하는  
분위기를 만들어 저는 아무런 말도 할수가 없었습니다 .

Those who asked about this and were  
curious seemed to create an atmosphere  
of suspicion, as if they were betraying the  
church or doubting the gospel and  
salvation. I couldn't say anything.